

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Edward O. Clapper	Examiner:	Cam Y. T. Truong
Serial No.:	10/020,483	Group Art Unit:	2162
Filed:	December 12, 2001	Docket:	884.611US1
Title:	SYLLABIC SEARCH ENGINES AND RELATED METHODS (As Amended)		
Customer Number:	21186		

REPLY BRIEF UNDER 37 C.F.R. § 41.41

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF

This Reply Brief is filed in response to the Examiner's Answer (hereinafter, the "Answer"), mailed October 3, 2007, and supplements the Appeal Brief filed by the Appellant on March 16, 2007 and the Appeal Brief in response to the Notice of Non-Compliant Appeal Brief filed by the Appellant on June 15, 2007. Please charge any required additional fees or credit overpayments to Deposit Account 19-0743.

Appellant respectfully points out an error on the cover page of the Examiner's Answer. The Examiner's statement that the Appeal Brief was filed in appeal from the Office Action mailed July 14, 2007 is incorrect. The Final Office Action was mailed July 14, 2006.

Argument

The Appellant has reviewed the Answer, and Appellant believes the statements in the Appeal Brief remain accurate and compelling.

Regarding the Examiner's newly expressed views in her "Response to Argument" (Paragraph 10, Examiner's Answer), Appellants strongly assert that Funaki fails to disclose the limitation of independent claims 1 and 27 of "receiving a search string including an ordered sequence of syllable counts", or the limitation of independent claims 13 and 20 of "receiving via the user interface a search string including an ordered sequence of syllable counts".

The Examiner argues that Funaki discloses this limitation in FIGS. 10A, 10B, and 12.

FIGS. 10A and 10B are diagrams showing input display screens.¹ As explained in the

¹ Funaki, col. 8, lines 4-5.

reference, and as the Examiner states in the Answer, FIG. 10A shows how the user selects the number of syllables of a word, and FIG. 10B shows how the user selects the part of speech. Whether considered separately or together, these screens totally fail to request a “search string including an ordered sequence of syllable counts”. The Examiner further argues that in Funaki the search condition (e.g. a list of two-syllable nouns) results in a search of words stored in the dictionary of FIG. 12. The Examiner incorrectly asserts that the words stored in the dictionary of FIG. 12 have “an ordered sequence of syllable counts” (e.g. the word at line 17 has a number of syllables of either 2, 3, or 4). As explained in detail within the reference², unlike most English words, a particular Japanese word doesn’t necessarily have a fixed number of syllables, but it may in fact have several syllable counts (e.g. 2 syllables, 3 syllables, 4 syllables, etc.).

Appellant strongly disagrees with the Examiner’s characterization of FIG. 12 as showing an “ordered sequence of syllable counts”. Appellant discloses an example of an “ordered sequence of syllable counts” in Appellant’s FIG. 5. There the “ordered sequence of syllable counts” represents a sequence of syllable counts from a group of consecutive words, such as a phrase from a song. In Funaki’s FIG. 12, the dictionary comprises a list of Japanese words, and for each word there is a field that provides one or more syllable counts. One word may have one syllable; another word may have two syllables; a third may have three syllables; etc. The numbers represent alternate counts of syllables, depending upon the nature of the Japanese word.

Appellant also points out that even if FIG. 12 of Funaki may somehow be interpreted to show an “ordered sequence of syllable counts”, in Funaki such does not form part of a “search string” (claims 1 and 17), and such is not received via the user interface (claims 13 and 20). In Funaki, the user interface is shown in FIGS. 10A and 10B, and therein only the number of syllables and the part of speech form the user request. The user does not generate a “search string including an ordered sequence of syllable counts”, as recited in each of Appellant’s independent claims.

Appellant also takes issue with another part of the Examiner’s argument in the Answer.

The Examiner argues that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply Berke’s teaching of uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique

² Funaki, col. 8, line 30 through col. 9, line 29.

combination stored in the database into Funaki's system in order to bring a single web page or home page to a user for further viewing or searching in that home page.³

Appellant respectfully traverses the Examiner's argument. Motivation is lacking in the Funaki system to retrieve a unique word and display it to the song-writer user. The objective of the Funaki system is not necessarily to improve time efficiency, but rather it is to produce an artistic work having an aesthetic effect. In Funaki, this inherently requires the retrieval and display of candidate words and the song-writer user's careful and artistic evaluation and selection of the optimum word (see col. 2, lines 29-30; col. 12, lines 21-25). In Funaki, the search result list display unit H displays a search result list (col. 9, lines 36-39), and the user selects a word from the search result list (col. 9, lines 53-56). To retrieve just a single word, as the Examiner suggests, would defeat the ability of the Funaki system to allow the individual user some artistic evaluation and to personally choose a word that he or she likes.

Thus, Appellant respectfully asserts that a *prima facie* case of obviousness has not been established, because motivation to combine Funaki and Berke is lacking, since such a combination would defeat the purpose of the Funaki system.

³ Answer, pages 11-12.

Conclusion

The Appellant submits that all of the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Appellant's attorney Ann M. McCrackin (located in Minneapolis, Minnesota) at (612) 349-9592 or Appellant's below-signed attorney (located in Phoenix, Arizona) to facilitate prosecution of this application.

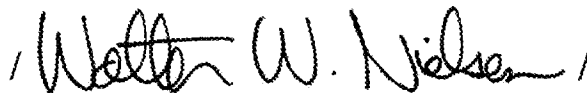
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

EDWARD O. CLAPPER

By his Representatives,
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, Minnesota 55402
(602) 298-8920

By



Walter W. Nielsen
Reg. No. 25,539